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2683

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,592

Applicant(s)

CRUICKSHANK, BRIAN

Examiner

Meless N. Zewdu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on 04/04/05.
2. Claims 25 and 26 were previously canceled.
3. Claims 1-24 and 27 are pending in this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich (US 6,097,941) in view of Galensky et al. (Galensky) (US 6,845,398 B1).

As per claim 1: a method of providing voice messaging services comprising:

communicating with voice messaging repository to receive a voice message at said handheld computing device reads on '941 (see abstract; col. 2, lines 11-14, lines 23-47; fig. 3, element 100; col. 4, lines 46-56). But, Helferich does not explicitly teach about receiving voice message file in compressed file format at a handheld device, wherein the compressed audio is generated by conversion from a first file format to said compressed format; locally storing the received voice message file and locally

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providing an interface to a user allowing the user to indicate an action to perform on said received voice message, as claimed by applicant. However, in a related field of endeavor, Galensky teaches about wireless multimedia player, wherein a multimedia server, connected to a wireless network, store multimedia files in an encoded and compressed file format (see col. 3, lines 19-36) and wherein the compressed audio files are transmitted to/downloaded by a wireless device which stores the received file locally, decode, decompressed and play the audio files (see abstract; col. 4, lines 17-65; col. 5, lines 10-59). Examiner realizes that the compressed audio file includes a compressed audio portion and an information portion. But, since the information portion is not utilized or assigned any functionality, it is considered disadvantageous and costly for its occupation of memory space, bandwidth and processing time. Thus considered as having not patentable weight. Furthermore, although Galensky's reference is directed to entertainment, it is related to processing audio files and hence combinable with Helferich's voice/audio message system. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Helferich with that of Galensky for the advantage of portable wireless devices to receive, play, store streamed multimedia files over a wireless telecommunications network from a multimedia sever (see col. 3, lines 14-19). When the references are combined as shown above, Helferich's voice message management system will be able to include voice messages in Galensky's audio files.

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As per claim 2: the method further comprising:

Receiving an indication of said action to perform on said received voice message reads on '914 (col. 5, lines 1-46).

Responsive to receiving said indication, performing said action reads on '914 (see col. 5, lines 1-17).

As per claim 3: the method wherein said action is "play" and said performing said action further comprises:

Generating an audio signal from said received voice message reads on '941 (see col. 8, lines 34-50).

Outputting said audio signal to an audio output device associated with said handheld device reads on '941 (see 5, lines 1-17; col. 6, lines 45-56; col. 8, lines 36-50).

As per claim 4: the method wherein said action is "delete" and said performing said action further comprises further communicating with said voice messaging repository to indicate a deletion of said received voice message reads on reads on '941 (see col. 7, line 45-col. 8, line 14; col. 9, lines 15-23).

As per claim 5: the method wherein said action is "forward" and said performing said action further comprises:

Receiving an indication of an intended recipient of said received voice message reads on '941 (see col. 5, lines 18-46).

Further communicating with said voice messaging repository to transfer information identifying said intended recipient reads on '941 (see col. 5, line 61-col. 6, line 4).

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As per claim 6: the method wherein said information identifying said intended recipient is a telephone number reads on '941 (see col. 5, lines 18-25). The calling identifier (CI) of the prior art can be a telephone number.

As per claim 7: the method wherein said indication is is a name and said method further includes locally mapping said name to said telephone number reads on '941 (see col. 8, lines 35-60).

As per claim 8: the method further comprising:

Extracting, from said received voice message, information related to said received message reads on '941 (see col. 5, lines 18-46; col. 8, lines 36-60).

Using said interface to present said information related to said received voice message reads on '941 (see fig. 2, block 3; col. 5, lines 1-17; col. 8, lines 36-60).

As per claim 9: the method wherein said interface comprises a display of said information related to said received voice message reads on '941 (see col. 3, line 49- col. 4, line 8; col. 5, lines 1-17).

As per claim 15: the method wherein said voice messaging repository is a voice messaging server and wherein said communicating with said voice messaging server occurs over a public switched telephone network reads on '941 (see fig. 3, block 35; col. 4, lines 46-67; col. 6, lines 34-47).

As per claim 16: the method further comprising establishing a connection to said public switched telephone network reads on '941 (see fig. 3; col.2, lines 23-67; col. 3, lines 46-67).

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As per claim 17: the method further comprising generating dual tone multi-frequency tones for said communicating with said voice messaging server reads on '941 (see 1, lines 38-46).

As per claim 18: the method wherein said compressed file format is MP3 file format reads on '398 (see col. 3, lines 19-36).

As per claim 19: the method further comprising, before said communicating with said voice messaging repository to receive said voice message, receiving an indication of arrival of a voice message from said voice messaging repository reads on '941 (see col.

As per claim 20: the method wherein said indication of arrival includes details associated with said received voice message reads on '941 (see col. 5, lines 47-60; col. 6, lines 14-33).

As per claim 21: the method wherein said communication with said voice messaging repository further comprises indicating to said voice messaging repository a status of voice messages previously received at said handheld device reads on '941 (see 5, lines 47-60).

As per claim 22: the method wherein, for each of said previously received voice messages, said status is one of unplayed, deleted, sent and unsent reads on '941 (see col. 7, lines 45-63).

As per claim 23: the features of claim 23 are similar to the features of claim 1, except claim 1 is a method claim and claim 23 is a means claim. Hence, claim 23 is rejected on the same ground and motivation as claim 1, since the means of claim 23 is required to perform or carry out the steps of claim 1.

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As per claim 24: the features of claim 24 are similar to the features of claim 1, except claim 1 is a method step and claim 24 recites a computer readable medium containing computer-executable instructions which, when performed by a processor in a handheld device, causes the processor to perform the steps of claim 1. Since, the steps of claim 1 are carried out/performed in a portable wireless device, the computer-executable instructions and the processor in a handheld device is obvious from the fact that the steps of claim 1 are carried in a portable wireless device, as discussed in the rejection of claim 1. Hence, claim 24 is rejected on the same ground and motivation as claim 1.

Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied to claims 1 above and further in view of Luzeski et al. (Luzeski) (US 6,301,245 B1).

As per claim 10: but, the references applied to claim 1 above do not explicitly teach about the method wherein said voice messaging repository is a desktop personal computer and said communicating with said voice messaging repository occurs over a wired connection, as claimed by applicant. However, in a related field of endeavor, Luzeski teaches about a universal messaging system wherein subscribers can access messages from a personal computer via the internet using a standard Web browser with a Java script that presents each subscriber with a universal "inbox" that displays all of that subscriber's voice, fax and e-mail messages (see fig. 3, element 20; fig. 5; abstract; col. 3, line 43-col. 4, line 31; col. 5, line 66-col. 6, line 60). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to

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add Luzeski's universal messaging system to the above references for the advantage of providing subscribers a universal messaging service that utilizes the internet as taught by Luzeski (see col. 3, lines 43-50).

As per claim 11: the method wherein said voice messaging repository is a voice messaging server and wherein said communicating with said voice messaging server occurs over a wired connection reads on '245 (see fig. 5; col. 3, lines 43-67).

As per claim 12: the method further comprising establishing a connection to said data network reads on '245 (see col. 3, lines 45-67).

As per claim 13: the method further comprising employing the internet protocol for said communicating with said voice messaging server reads on '245 (see abstract; col. 3, lines 43-67; col. 4, lines 1-25).

As per claim 14: the method further comprising employing the Hyper-Text Transfer protocol for said communicating with said voice messaging server reads on '245 (see col. 6, lines 42-60).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter, Jr. (Baxter) (US 6,385,306 B1) in view of Galensky.

As per claim 27: a voice messaging repository comprising:

receiving a voice message reads on '306 (see col. 10, lines 6-23).

storing said received voice message in a first file format reads on '306 (see col. 10, lines 6-23, particularly, lines 18-19).

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converting and compressing said received voice message from said first file format to a second file format reads on '306 (see col. 10, lines 19-22; col. 6, line 63-col. 7, line 23; col. 1, lines 33-52).

generating a message file in said second file format, said message file comprising said compressed audio portion and an information portion stored in one or more text fields provided for in said file format reads on '306 (see col. 10, lines 18-23; col. 14, lines 22-48). The information portion of the generated message file is non-functional or not shown as being used in any manner. Examiner considers it as costly in terms of bandwidth, memory space and transmission. In other words, it is there just for being there, hence, carries not patentable weight. Applicant can improve this claim by providing some functionality to the feature in question. But, Baxter does not explicitly teach about transmitting a message file in said second file format (compressed format) by a voice message repository/server, as claimed by applicant. However, in a related field of endeavor, Galensky teaches about a wireless multimedia player wherein a multimedia server transmits/sends multimedia audio files to a wireless device in a compressed format (see abstract; fig. 1; col. 2, lines 14-28; col. 3, lines 13-36; col. 4, lines 16-65). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of Baxter with that of Galensky for the advantage of downloading compressed multimedia audio files to wireless devices (see abstract).

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Response to Arguments

Applicant's arguments with respect to claims 1-24 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu

M. Z.

Examiner

17 June 2005.


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